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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,009	04/19/2004	David Grabelsky	00-337-A	2518
20306 7590 03/17/2009 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606				
EXAMINER BARQADLE, YASIN M				
ART UNIT 2456		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/827,009

**Applicant(s)**

GRABELSKY ET AL.

**Examiner**

YASIN M. BARQADLE

**Art Unit**

2456

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2, 4-6, 8-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 4-6, 8-12, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **Response to Amendment**

1. The amendment filed on December 22, 2008 has been fully considered but are not deemed persuasive.

Claims 2, 4-6,8-12 and 14-15 are presented for examination.

### **Response to Amendment**

In essence the Applicant argues "There is simply no mention of "a second receiving means for receiving said address of said Media Gateway, and forming a message using said address.", in Ress's reference.

The Examiner notes that Ress teaches a call server entity "that performs call signaling functions, such as translations and media capabilities exchange, on behalf of an end user device, gateway, or other entity" (col. 3, lines 1-10). The call server includes agents for processing MGCP to MGCP calls. "In the illustrated embodiment, call server 300 includes MGCP agents 302A and 302B for processing MGCP to MGCP calls, ... In addition, to the protocol agents, call server 300 also includes an interworking agent 506 which facilitates communication between protocol agents. More particularly, interworking agent 506 includes methods for getting and setting AIP parameters, building AIP messages, and establishing and maintaining connections, such as TCP or

reliable UDP connections, between protocol agents. Interworking agents can also identify AIP message types..."(See for example, fig. 5 and fig. 6. Col. 5, lines 16-35). Ress further discloses "All agents are preferably capable of extracting the AIP message and processing the message accordingly. If the multipart message contains a native protocol message, this message is preferably processed if supported... In step ST7, receiving protocol agent determines the message type, i.e., whether the message is a protocol specific message, an agent interworking protocol message, or a multipart message, using procedures provided by its associated interworking agent (hereinafter, "the second interworking agent"). In step ST8, if the receiving protocol agent determines that the message is an agent interworking protocol message, the receiving protocol agent processes the message (step ST9)... After the receiving protocol agent separates the message, the receiving protocol agent reads the protocol specific portion of the AIP message (step ST12). In step ST16, the receiving protocol agent processes the AIP portion of the message." Col. 9, lines 41 to col. 10, line 34).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 2, 4-6,8-12 and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ress et al USPN (6885658), herein "Ress".

As per claims 2, 4,6,8-10,12 and 14-15 a network comprising:

a Media Gateway Controller (MGC) (fig. 3, 202)'

a Media Gateway proxy, said proxy coupled to said MGC and comprising (fig. 3, 300 and GW 304,06, and col. 3, lines 4-14): a first receiver that receives a message, said message containing an attribute, sub- command, and a destination address (col. 4,lines 43-65 see figs. 113-16); a memory, coupled to said first receiver, that stores said message and said attributes,

each of said attributes corresponding to a selected one of said plurality of Media Gateways, each of said gateways having an address (col. 8, lines 52-66) ; a locator, coupled to said memory, that finds in said memory said address of a said selected Media Gateway using said destination address and said attribute (see fig 4 and 7 and col. 5, lines 62 to col. 6, line 19); and; a second receiver, coupled to said locator that receives the address of said gateway, said subcommand, and said attribute and forms messages using said subcommand, said address, and said attribute (col. 4, lines 43-65 see figs. 113-16); and a plurality of Media Gateways coupled to said Media Gateway proxy (see fig. 3 and 7).

Further teaches Ress further teaches receiving replies from the gateways including transaction completion of selected one of said sub-commands (see figs. 13-16) and determining whether all replies have been received in response to said messages (col. 12, lines 11-65. See figs 13-17).

As per claims 5 and 11, Ress teaches the method of claim 10 wherein said protocol is MEGACO (col. 2, lines 22-42).

### **Conclusion**

2. **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yasin M Barqadle/

Primary Examiner, Art Unit 2456